

293509

Wessinger-Hill, JoAnne

From: Hall, Roger
Sent: Wednesday, August 26, 2020 6:34 PM
To: Samuel Wellborn; Knowles, Alex; Bateman, Andrew; fellerbe@robinsongray.com; Huber, Christopher; laurapv@aol.com; John J. Pringle, Jr.; Grube-Lybarker, Carri; jake@mttlaw.com; stefandover@yahoo.com; michael.kendree@yorkcountygov.com; richard@rlwhitt.law; Hall, Roger; jim.knowlton@sim.org
Cc: Butler, David; Wessinger-Hill, JoAnne; Boyd, Jocelyn
Subject: 2019-290-WS - DCA Supporting Information for Oral Arguments
Attachments: Supporting Information for Oral Arguments.pdf

Good Evening,

As requested by the Commission, please find attached the Department's list of information, case law, and legal authority related to the oral arguments scheduled for tomorrow. The document has also been provided to the Commission through DMS.

Regards,
 Roger

Roger Hall, Esq. | Assistant Consumer Advocate
SC Department of Consumer Affairs
 293 Greystone Boulevard, Suite 400
 PO Box 5757 | Columbia, SC | 29250-5757
 800.922.1594 | 803.734.4240 | 803.734.4287 (f)



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DEPARTMENT OF CONSUMER AFFAIRS

293 Greystone Boulevard Suite 400
P. O. BOX 5757
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Administrator/
Consumer Advocate

PROTECTING CONSUMERS SINCE 1975

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August 26, 2020

VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd
Chief Clerk/Executive Director
The Public Service Commission of South Carolina
101 Executive Center Drive
Columbia, South Carolina 29210

RE: Docket 2019-290-WS
Application of Blue Granite Water Company for Approval to Adjust Rate
Schedules and Increase Rates
Information for Oral Argument

Dear Ms. Boyd:

In an August 25th email, Jo Anne Wessinger Hill requested parties submit "any information, case law, or legal authority" for the Commission's consideration during the oral arguments scheduled for August 27th. In response to that request, the Department submits the following list and documents which may be referenced during the oral arguments. The list does not include any documents that are already in the record for this docket. We have tried to be comprehensive in this submittal, but retain the right to submit additional information as needed to support the Department's positions. A copy of this letter and attachments are being provided to the parties of record.

Regards,

Roger Hall, Esq. | *Assistant Consumer Advocate*
800.922.1594 | 803.734.4240 | 803.734.4287 (f)
RHall@scconsumer.gov

Enclosure

CC w/ Enclosure: Parties of Record (via email)

ADMINISTRATOR Tel.: (803) 734-4233	PUBLIC INFORMATION Tel.: (803) 734-4296	CONSUMER ADVOCACY Tel.: (803) 734-4200	LEGAL/ LICENSING Tel.: (803) 734-0046	CONSUMER COMPLAINTS Tel.: (803) 734-4200	ID THEFT UNIT Tel.: (803) 434-4200	PROCUREMENT & ACCOUNTING Tel.: (803) 734-4264
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WEBSITE: WWW.CONSUMER.SC.GOV E-MAIL: SCDCA@SCCONSUMER.GOV Toll Free in SC: (800) 922-1594 TDD/TTY: (800) 735-2905

Docket 2019-290-WS- Information for Oral Argument (S.C Department of Consumer Affairs)

General Information

SCDEW News Release. August 20, 2020

(see attached) Last accessed at:

https://dew.sc.gov/docs/default-source/press-releases/sc-initial-claims-week-ending-8-15.pdf?sfvrsn=6748bb29_0

"The COVID-19 Eviction Crisis: an Estimated 30-40 Million People in America Are at Risk"

(see attached) Last accessed at:

<https://www.aspeninstitute.org/blog-posts/the-covid-19-eviction-crisis-an-estimated-30-40-million-people-in-america-are-at-risk/>

IBISWorld COVID-19 Economic Impact

<https://www.ibisworld.com/united-states/economic-profiles/south-carolina/>

"The 10 Most Vulnerable States to Coronavirus Economic Upheaval"

<https://www.usnews.com/news/best-states/slideshows/the-10-state-economies-most-vulnerable-to-coronavirus?slide=6>

Executive Order 2020-53

(see attached) Last accessed at

<https://governor.sc.gov/sites/default/files/Documents/2020-08-10%20FILED%20Executive%20Order%20No.%202020-53%20-%20State%20of%20Emergency.pdf>

Case Law

Carolina Pipeline Co. vs. South Carolina Public Service Commission, 255 S.C. 324 (1971)

Porter v. South Carolina Public Service Commission 328 S.C. 222 (1997)

Carolina Water Service, Inc. v. South Carolina Public Service Com, 272 S.C. 81 (1978)

Hunt v. Avondale Mills, Inc., 385 S.C. 616 (2009)

Commission Dockets: 2012-315-S (Order 2013-339), 2009-342-WS (Order 2010-2), 2007-286-WS, 2014-346-WS

Statutes and Regulations

S.C. Code Ann.: 58-5-240, 58-5-290, 58-5-300, 58-5-320, 58-5-330, 58-5-750, 58-3-250, 1-23-350, 1-23-380

S.C. Code Reg.: 103-503, 103-703, 103-825, 103-854

S.C. Appellate Rule 203



SC Department of Employment and Workforce

NEWS RELEASE

Media Contact:

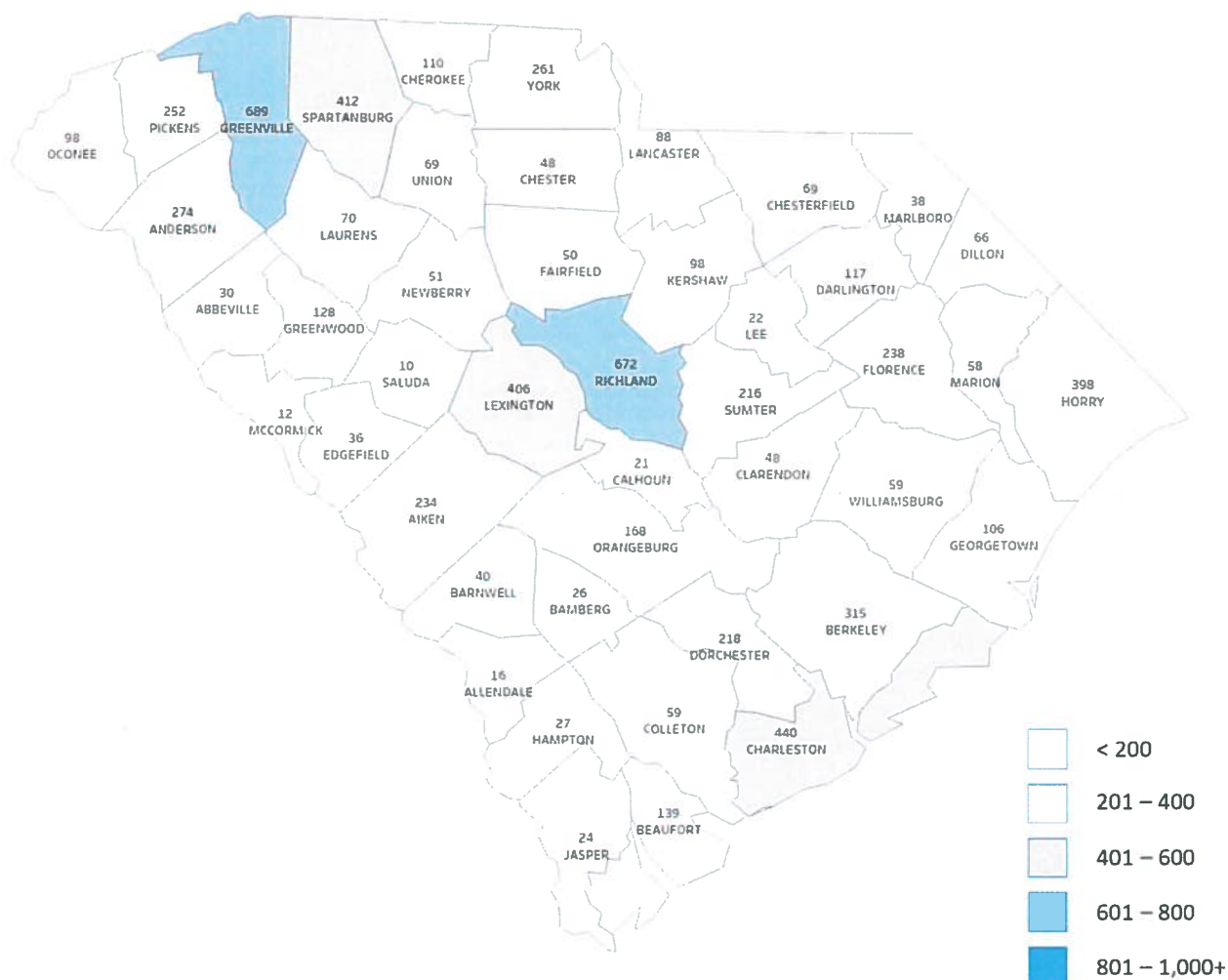
Heather Bianca

For Immediate Release
8:35 a.m. August 20, 2020

South Carolina Initial Unemployment Insurance Claims Data Week Ending August 15, 2020

Initial Claims: For claim week ending August 15, 2020, the number of South Carolinians who filed their initial claim for unemployment insurance benefits is 7,255, an increase of 1,334 initial claims from the week prior. This brings the initial claims total to 719,704 received since mid-March.

County Map (Intrastate)





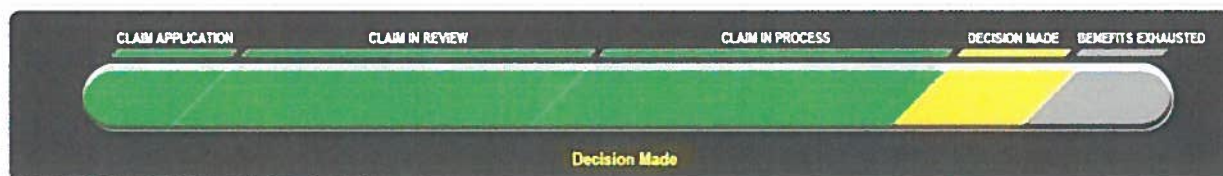
SC Department of Employment and Workforce

NEWS RELEASE

Media Contact:
Heather Bianca

"Although this week's initial claims data exhibited an uptick, fluctuation of claims data is common. Our teams have reviewed the available information and there is no significant singular event that can account for the increase. As we continue an overall downward trend in the numbers, it might present a more accurate picture to begin to look at initial claims data month-over-month rather than slight changes in week-over-week numbers. For instance, the four-week period from claim week ending June 27 to claim week ending July 18 saw 67,248 initial claims; however the most recent four-week period from claim week ending July 25 to claim week ending August 15 saw 34,279 initial claims – nearly half of the number for the prior month's time," states executive director Dan Ellzey.

"Our agency is continuing to look for additional ways we can provide resources and assistance to claimants through the claims process. Our dedicated call center staff are working extended hours on Monday and Tuesday to help on the highest call volume days and we have launched a brand new claim status tracker within the MyBenefits portal that allows claimants to see their status in real time. Claimants can find this claim tracker by logging into their portal and selecting the *Claim Status* tab at the top of their screen. This is just one additional way we are continuously looking for ways to improve our processes to help those looking to us for answers," concludes Ellzey.



Agency Responsiveness:

- From March 15, 2020 to August 18, 2020, the agency has paid more than \$3.81 Billion in a combination of South Carolina UI benefits, **Pandemic Unemployment Assistance** (for the self-employed and others), the **Federal Pandemic Unemployment Compensation** (\$600 per week) program, the **Pandemic Emergency Unemployment Compensation** (extension of benefits for 13 weeks) program and **Extended Benefits** (Additional 16 weeks of benefits after PEUC).

Call center hours (1-866-831-1724)

****EXTENDED HOURS** MONDAY AND TUESDAY 8 a.m. – 8 p.m.**

Wednesday - Friday 8 a.m. – 6 p.m.

Saturday 8 a.m. - NOON

###

About the S.C. Department of Employment and Workforce

The S.C. Department of Employment and Workforce is putting South Carolinians to work. The agency has four missions: (1) workforce development; (2) free job match employment services; (3) unemployment insurance; and (4) labor market information. All four missions contribute to workforce development. The agency is dedicated to advancing South Carolina through services and programs that meet the needs of our businesses, jobseekers and those looking to advance their careers.

**An initial claim is a claim filed by an unemployed individual after a separation from an employer. The claimant requests a determination of basic eligibility for the UI program. When an initial claim is filed with a state, certain programmatic activities take place and these result in activity counts including the count of initial claims. The count of U.S. initial claims for unemployment insurance is a leading economic indicator because it is an indication of emerging labor market conditions in the country. However, these are weekly administrative data which are difficult to seasonally adjust, making the series subject to some volatility.*

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The COVID-19 Eviction Crisis: an Estimated 30-40 Million People in America Are at Risk

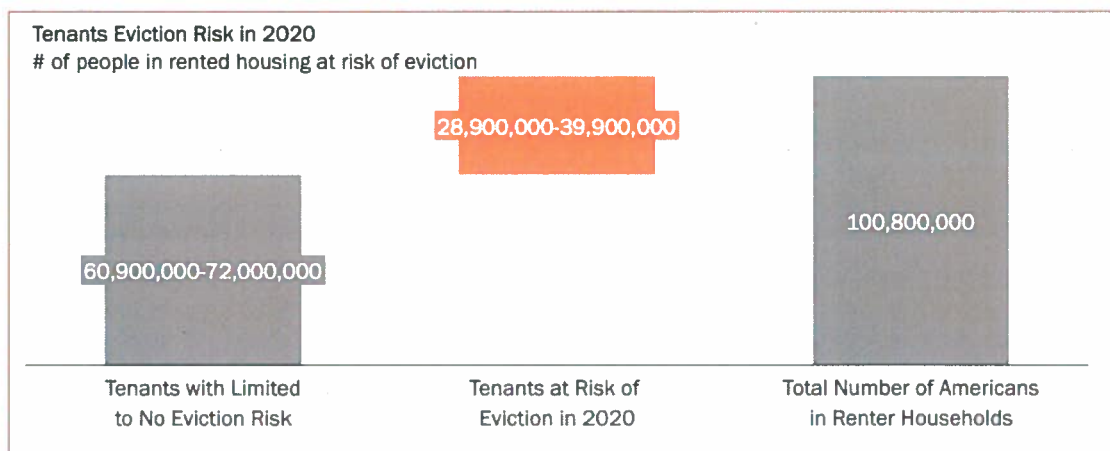
AUGUST 7, 2020 • [EMILY BENFER](#), DAVID BLOOM ROBINSON, [STACY BUTLER](#), LAVAR EDMONDS, [SAM GILMAN](#), [KATHERINE LUCAS MCKAY](#), [ZACH NEUMANN](#), LISA OWENS, NEIL STEINKAMP & [DIANE YENTEL](#)

The United States may be facing the most severe housing crisis in its history. According to the latest analysis of weekly US Census data, as federal, state, and local protections and resources expire and in the absence of robust and swift intervention, an estimated 30–40 million people in America could be at risk of eviction in the next several months. Many property owners, who lack the credit or financial ability to cover rental payment arrears, will struggle to pay their mortgages and property taxes and maintain properties. The COVID-19 housing crisis has sharply increased the risk of foreclosure and bankruptcy, especially among small property owners; long-term harm to renter families and individuals; disruption of the affordable housing market; and destabilization of communities across the United States.

Throughout the COVID-19 pandemic, researchers, academics, and advocates have conducted a continuous analysis of the effect of the public health crisis and economic depression on renters and the housing market. Multiple studies have quantified the effect of COVID-19-related job loss and economic hardship on renters' ability to pay rent during the pandemic. While methodologies differ, these analyses converge on a dire prediction: If conditions do not change, 29-43% of renter households could be at risk of eviction by the end of the year.

This article aggregates the existing research related to the COVID-19 housing crisis, including estimated potential upcoming eviction filings, unemployment data, and housing insecurity predictions. Additionally, based on this research and new weekly analysis of real-time US Census Bureau Household Pulse data, this article frames the growing potential for widespread displacement and homelessness across the United States.

AN ESTIMATED 30-40 MILLION RENTERS COULD BE AT RISK OF EVICTION



The chart above reflects the analysis of the Aspen Institute Financial Security Program / COVID-19 Eviction Defense Project (CEDP) as it relates to renters with No or Slight Confidence in the ability to pay next month's rent as well as the analysis of additional renters with a Moderate Confidence in the ability to pay next month's rent completed by Stout Risius Ross, LLC. Independent analysis by Stout Risius Ross, LLC of renters reporting No or Slight Confidence in the ability to pay next month's rent align with Aspen Institute-CEDP methodology above.

The COVID-19 pandemic struck amid a severe affordable housing crisis in the United States

COVID-19 struck when 20.8 million renter households (47.5% of all renter households) [were already rental cost-burdened](#), according to 2018 numbers. Rental cost burden is defined as households who pay over 30% of their income towards rent. When the pandemic began, 10.9 million renter households (25% of all renter households) were spending [over 50% of their income on rent each month](#). The majority of renter households below the poverty line spent at least half of their income towards rent in 2018, with [one in four spending over 70% of their income](#) toward housing costs. Due to chronic underfunding by the federal government, only [one in four](#) eligible renters received federal financial assistance. With the [loss of four million affordable housing units](#) over the last decade and a [shortage of 7 million affordable apartments](#) available to the lowest-income renters, many renters entered the pandemic already facing housing instability and vulnerable to eviction.

Before the pandemic, eviction occurred frequently across the country. The Eviction Lab at Princeton University estimates that between 2000 and 2016, [61 million eviction cases were filed in the US](#), an average of 3.6 million evictions annually. In 2016, [seven evictions were filed every minute](#). On average, eviction judgment amounts are often for failure to pay one or two months' rent and involve [less than \\$600 in rental debt](#).

An increase in evictions could be detrimental for the [14 million renter households with children](#): research from Milwaukee indicates that renter households with children are more likely to receive an eviction judgment. Although tenants with legal counsel are much less likely to be evicted, on average, [fewer than 10% of renters have access to legal counsel](#) when defending against an eviction, compared to 90% of landlords.

At the same time, a lack of rental income places rental property owners at risk of harm. Individual investors, who often lack access to additional capital, may be particularly vulnerable. Presently, while "mom and pop" landlords own [22.7 million out of 48.5 million](#) rental units in the housing market, more than half (58%) [do not have access to any lines of credit](#) that might help them in an emergency. Landlords [who evict tenants](#) face court costs, short or long term vacancy, reletting costs, and the loss of 90-95% of rental arrears via sale to a debt collector or other third party. In the short term, lack of rental income may result in unanticipated costs, and an inability to pay mortgages, pay property taxes and maintain the property. In the long term, it places small property owners at greater risk of foreclosure and bankruptcy.

Communities of color are hardest hit by the eviction crisis

Communities of color are disproportionately rent-burdened and at risk of eviction. People of color are twice as likely to be renters and are disproportionately likely to be low-income and rental cost-burdened. [Studies from cities throughout the country](#) have shown that people of color, particularly Black and Latinx people, constitute approximately [80% of people facing eviction](#). After controlling for education, one study determined that Black households are [more than twice as likely](#) as white households to be evicted. In a study of Milwaukee, women from Black neighborhoods made up only 9.6% of the city's population but accounted for [30% of evicted tenants](#). In Boston, [70% of market-rate evictions](#) filed were in communities of color, although those areas make up approximately half of the city's rental market. Researchers from UC Berkeley and the University of Washington found the number of evictions for Black households in Baltimore exceeded those for white households [by nearly 200%](#), with the Black renter eviction rate outpacing the white renter eviction rate by 13%. In New York City, a sample of housing court cases indicated that 70% of households in housing court are [headed by a](#)

[female of color](#), usually Black and/or Hispanic. In Virginia, [approximately 60% of majority Black neighborhoods](#) have an annual eviction rate higher than 10% of households, approximately four times the national average, even when controlling for poverty and income rates. In Cleveland, the [top ten tracts for eviction filings from 2016-2018 were all majority Black tracts](#); only six had poverty rates above 10%.

Similarly, people of color are most at risk of being evicted during the COVID-19 pandemic. A report co-authored by City Life/Vida Urbana and Massachusetts Institute of Technology showed that in the first month of the Massachusetts state of emergency, 78% of eviction filings in Boston were [in communities of color](#).

COVID-19 job and wage losses could create an unprecedented and long-term housing crisis

The economic recession, coupled with job and wage loss, [magnified and accelerated](#) the existing housing crisis. As of July 2020, [nearly 50 million Americans have filed for unemployment insurance](#). Between March and July, unemployment rates fluctuated between [11.1% and 14.4%](#). By comparison, unemployment peaked at 10.7% [during the Great Recession](#). More than 20 million renters live in households that have [suffered COVID-19-related job loss](#). This job loss is exacerbated by the recent expiration of pandemic unemployment insurance benefits across the country. With federal legislators in a stalemate regarding how or if to extend benefits, unemployed renters are at an even greater risk of financial constraints leading to eviction.

Job loss is affecting people of color at much higher rates than their white counterparts. Initial numbers from April highlight this disparity: 61% of Hispanic Americans and 44% of Black Americans said that they, or someone in their household, had [experienced a job or wage loss](#) due to the coronavirus outbreak, compared with 38% of white Americans. People with disabilities (who have [historically higher](#) rates of unemployment than the general population), LGBTQ people (who [experience homelessness](#) at a disproportionate rate), and undocumented immigrants (who do not qualify for unemployment insurance or receive stimulus checks), could all be at heightened risk of economic hardship during the pandemic.

In the early weeks of the pandemic in the US, researchers at the [Turner Center](#) at the University of California, the [Urban Institute](#), the [Joint Center for Housing](#) at Harvard, the [National Low Income Housing Coalition](#), and the [Furman Center](#) at NYU separately estimated the number of at-risk renter households employed in jobs that were most vulnerable to COVID-19-related job loss. Together, these studies concluded that between 27% and 34% of renter families were at risk of job or wage loss.

Renters experiencing cash shortages are increasingly relying on sources other than income to pay rent. [Thirty percent](#) of renters report using money from government aid or assistance to pay rent, and another 30% indicate that they have borrowed cash or obtained a loan to make rental payments. Tenants are [increasingly using credit cards](#) to pay the rent, with a 31% increase between March and April, an additional 20% increase from April to May, and a 43% increase in the first two quarters as compared to the prior year. There is increasing evidence that families are shifting their budget towards rent. Food pantry requests have increased [by as much as 2000%](#) in some states, with nearly 30 million Americans [reporting they do not have enough food](#).

Evidence indicates that rental payments are decreasing during the pandemic. The National Multifamily Housing Council (NMHC) reported that [88% of tenants had paid July's rent by mid-month](#)—less than both June 2020 and July 2019. Apartment List estimates that [36% of renters missed July payments](#). According to Avail, an online payment platform for midsize independent landlords and their tenants, only [55% of landlords using the platform received full rent payments in July](#).

NMHC and the National Apartment Association [informed Congress in April](#) that “more than 25 percent of the households that rent in the US may need help making payments” because of COVID-19 rental hardship, translating to nearly 11 million households and 25 million people. In a study based on predicted job and wage loss, the Aspen Institute Financial Security Program and the COVID-19 Eviction Defense Project projected that [19 to 23 million renters in the United States are at risk of eviction](#) through the end of 2020, representing up to 21% of renter households. Similarly, Amherst Capital, a real estate investment firm, estimated in June that [28 million households \(64 million people\) are at risk of eviction due to COVID-19](#).

Temporary protections against evictions during the COVID-19 pandemic have largely expired across the US

Federal, state, and local eviction moratoriums provided important protections for some renters, but they are expiring rapidly. In the first month of the pandemic, the federal government instituted a limited moratorium on evictions in federally-assisted housing and for properties with federally backed mortgages. The federal eviction moratorium protected about 30% of renters. Various actors in forty-three states and the District of Columbia issued eviction moratoriums that varied in level of protection and stage of eviction stopped. Those state-level protections ranged from a few weeks to a few months in duration and did not apply to all evictions. The Eviction Lab's [Eviction Tracker System](#) indicates that eviction moratoriums were effective in reducing eviction filings when they were in place. Federal protections expired on July 24th. As of July 31st, [30 states lack state-level protections against eviction](#) during the pandemic.

According to the [COVID-19 Housing Policy Scorecard](#), created by the Eviction Lab and Professor Emily Benfer, the vast majority of states lack protective eviction moratoriums and housing stabilization measures that could support renters facing rent hardship. As a result, tenants unable to pay their rent due to the extraordinary circumstances of the pandemic are receiving eviction notices, and courts across the country have resumed eviction hearings, [in many cases via video conference](#). Global advisory firm Stout Risius Ross, LLC (Stout) estimates that [11.6 million evictions](#) could be filed in the US in the next four months.

States, counties, and cities have offered [limited emergency rent assistance](#) to renters and landlords by using funding provided in the CARES Act via Community Development Block Grants and the Coronavirus Relief Fund, as well as other funding sources. However, according to an analysis by the National Low Income Housing Coalition, the need has [overwhelmed many of these programs](#), as demonstrated by the use of lottery systems, and the closure of three out of 10 programs (some [within minutes](#) of opening).

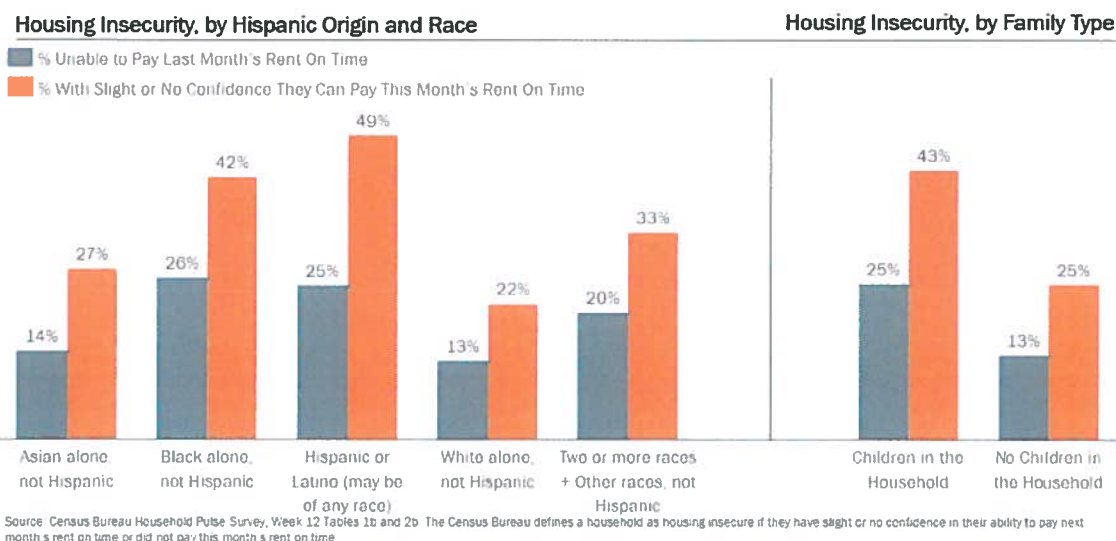
The risk of eviction could escalate rapidly across America

According to the most recent US Census Bureau Household Pulse Survey (Week 12), 18.3% of renters nationally report that they were unable to pay July's rent on time. Forty-three percent of renter

households with children and 33% of all renter households have slight or no confidence that they can pay August rent on time. Among renter households earning less than \$35,000 per year, 42% have slight or no confidence in their ability to pay next month's rent.

Black and Latinx populations consistently report low confidence in the ability to pay rent during the pandemic. The Census Bureau's Week 12 Housing Pulse Survey indicates that nearly half of Black (42%) and Hispanic (49%) renters have slight or no confidence in their ability to pay next month's rent on time, a figure that is twice as high as white renters (22%). Moreover, 26% of Black renters and 25% of Hispanic renters reported being unable to pay rent last month, compared to 13% of white renters.

EVICTON RISK DISPROPORTIONATELY IMPACTS BLACK AND LATINX RENTERS, AND RENTERS WITH CHILDREN



Current projections indicate that America is facing an urgent and unprecedented eviction crisis. In an updated analysis of the US Census Bureau's Pulse Survey, based on renter's perceptions of their ability to pay, the Aspen Institute Financial Security Program and the COVID-19 Eviction Defense Project currently estimate that 29 million renters in 12.6 million households may be at risk of eviction by the end of 2020. Stout anticipates that up to [40 million people in more than 17 million households](#) may be at risk of eviction through the end of the year when considering a portion of survey respondents who have a "moderate" degree of confidence in the ability to pay rent (in addition to those with slight or no confidence). Both projections rely on renter perceptions of their ability to pay measured by the Pulse Survey.

The chart below reflects the analysis of the Aspen Institute Financial Security Program and the COVID-19 Eviction Defense Project as it relates to renters with No or Slight Confidence in the ability to pay next month's rent, as well as the analysis of additional renters with a Moderate Confidence in the ability to pay next month's rent completed by Stout. Stout's independent analysis of renters reporting No or Slight Confidence in the ability to pay next month's rent aligns with the Aspen Institute analysis presented below.

EVICTION RISK BY STATE					
	Number of Households at Risk of Eviction		Number of People at Risk of Eviction		Percentage of Households at Risk
Total	12,604,000	- 17,330,000	28,990,273	- 39,865,000	29% - 43%
Alabama	222,000	- 246,000	511,000	- 566,000	37% - 48%
Alaska	18,000	- 28,000	41,000	- 64,000	20% - 35%
Arizona	204,000	- 335,000	470,000	- 771,000	22% - 39%
Arkansas	80,000	- 139,000	184,000	- 320,000	20% - 39%
California	1,804,000	- 2,345,000	4,149,000	- 5,394,000	31% - 42%
Colorado	190,000	- 259,000	436,000	- 596,000	25% - 36%
Connecticut	154,000	- 203,000	354,000	- 467,000	33% - 45%
Delaware	28,000	- 40,000	63,000	- 92,000	26% - 40%
District of Columbia	51,000	- 57,000	118,000	- 131,000	31% - 37%
Florida	818,000	- 1,110,000	1,882,000	- 2,553,000	31% - 45%
Georgia	393,000	- 565,000	903,000	- 1,300,000	29% - 45%
Hawaii	46,000	- 74,000	106,000	- 170,000	24% - 43%
Idaho	50,000	- 75,000	114,000	- 173,000	27% - 44%
Illinois	508,000	- 762,000	1,170,000	- 1,753,000	31% - 50%
Indiana	248,000	- 313,000	569,000	- 720,000	31% - 42%
Iowa	51,000	- 104,000	118,000	- 239,000	14% - 31%
Kansas	117,000	- 155,000	268,000	- 357,000	30% - 44%
Kentucky	148,000	- 211,000	341,000	- 485,000	26% - 42%
Louisiana	218,000	- 289,000	500,000	- 665,000	36% - 56%
Maine	25,000	- 56,000	57,000	- 129,000	15% - 37%
Maryland	185,000	- 274,000	426,000	- 630,000	25% - 39%
Massachusetts	208,000	- 306,000	479,000	- 704,000	21% - 32%
Michigan	317,000	- 457,000	730,000	- 1,051,000	28% - 43%
Minnesota	156,000	- 195,000	360,000	- 449,000	25% - 33%
Mississippi	114,000	- 175,000	263,000	- 403,000	32% - 58%
Missouri	189,000	- 248,000	435,000	- 570,000	23% - 33%
Montana	17,000	- 41,000	40,000	- 94,000	12% - 33%
Nebraska	40,000	- 68,000	92,000	- 156,000	15% - 28%
Nevada	182,000	- 218,000	419,000	- 501,000	37% - 47%
New Hampshire	24,000	- 39,000	55,000	- 90,000	16% - 27%
New Jersey	401,000	- 559,000	923,000	- 1,286,000	34% - 50%
New Mexico	67,000	- 105,000	155,000	- 242,000	25% - 44%
New York	1,222,000	- 1,455,000	2,810,000	- 3,347,000	36% - 45%
North Carolina	345,000	- 542,000	792,000	- 1,247,000	25% - 42%
North Dakota	16,000	- 23,000	37,000	- 53,000	13% - 21%
Ohio	535,000	- 689,000	1,231,000	- 1,585,000	33% - 46%
Oklahoma	187,000	- 234,000	429,000	- 538,000	36% - 51%
Oregon	125,000	- 176,000	287,000	- 405,000	20% - 30%
Pennsylvania	391,000	- 586,000	898,000	- 1,348,000	25% - 40%
Rhode Island	44,000	- 62,000	100,000	- 143,000	28% - 42%
South Carolina	205,000	- 273,000	471,000	- 628,000	35% - 52%
South Dakota	27,000	- 46,000	62,000	- 106,000	24% - 46%
Tennessee	309,000	- 416,000	710,000	- 957,000	35% - 52%
Texas	1,154,000	- 1,656,000	2,654,000	- 3,809,000	31% - 48%
Utah	46,000	- 83,000	105,000	- 191,000	15% - 30%
Vermont	4,000	- 13,000	10,000	- 30,000	6% - 20%
Virginia	263,000	- 384,000	606,000	- 883,000	24% - 38%
Washington	282,000	- 343,000	649,000	- 789,000	26% - 34%
West Virginia	65,000	- 78,000	149,000	- 179,000	32% - 48%
Wisconsin	99,000	- 199,000	229,000	- 458,000	13% - 27%
Wyoming	11,000	- 21,000	25,000	- 48,000	16% - 35%

The COVID-19 housing crisis could devastate small property owners, tenants, and communities

Significant loss of rental income during the COVID-19 pandemic creates financial peril and hardship for renters, small property owners, and communities. Without rental income, many landlords may struggle to pay mortgages and risk foreclosure and bankruptcy. The National Consumer Law Center predicts that 3 million homeowners, or roughly 5%, will have [significantly delinquent mortgages](#) by early 2021. Currently, 44% of single-family rentals have a mortgage or some similar debt. Sixty-five percent of properties with 2 to 4 units and 61% of properties with 5 to 19 units [have a mortgage](#). Foreclosure can lead to a lack of maintenance, [urban blight](#), reduced property values for neighboring properties, and erosion of neighborhood safety and stability. Without rental income to pay property tax, communities [lose resources for public services, city and state governments, schools, and infrastructure](#), and can expend significant resources managing or disposing of properties acquired through tax foreclosure.

The impact of an eviction on families and individuals is even greater. [Following eviction](#), a person's likelihood of experiencing homelessness increases, mental and physical health are diminished, and the probability of obtaining employment declines. Eviction is linked to [numerous poor health outcomes](#), including depression, suicide, and anxiety, among others. Eviction is also [linked with respiratory disease](#), which could increase the risk of complications if COVID-19 is contracted, as well as mortality risk during COVID-19. Eviction makes it more expensive and more difficult for tenants who have been evicted to [rent safe and decent housing](#), apply for credit, borrow money, or purchase a home. Instability, like eviction, is [particularly damaging to children](#), who suffer in ways that impact their educational development and well-being for years.

The [public costs of eviction are far-reaching](#). Individuals experiencing displacement due to eviction are more likely to need emergency shelter and re-housing, use in-patient and emergency medical services, require child welfare services, and experience the criminal legal system, among other harms.

Proposed policy interventions avoid suffering, save lives, and prevent severe harm

The eviction crisis and its devastating outcomes are entirely preventable. Policy interventions at the national, state, and local levels could avoid many of the devastating costs outlined above. [The COVID-19 Housing Policy Scorecard](#), [Eviction Innovations](#), and [national](#) and [local](#) housing rights groups offer [many different eviction prevention options](#) that are available and being considered by policymakers. However, without federal financial assistance, any intervention will be a stopgap at best and may fail to prevent the eviction crisis and its collateral harm.

The most comprehensive policy proposals include a nationwide moratorium on evictions and [at least \\$100 billion in emergency rental assistance](#). Combining this assistance with an extension of federally enhanced unemployment insurance for displaced workers would provide additional relief for renters. Responses like these could neutralize the eviction risk outlined in this report, eliminating the public and private costs of mass evictions that result from the pandemic. More importantly, they could prevent millions of people in America from experiencing unfathomable hardship in the months and years ahead. These solutions have passed the US House of Representatives two times, and have companion legislation in the Senate.

Similarly, studies have shown a civil right to counsel in eviction cases can deliver significant benefits for tenants and landlords. While exact figures vary by jurisdiction, tenants with counsel experience improved housing stability—often by remaining in their home, but alternatively by obtaining additional time to relocate, avoiding a formal eviction on their record, and accessing emergency rental assistance or subsidized housing. Representation also leads to lower default rates and more fairly negotiated resolutions with landlords that limit disruption from displacement and ensure the rights of all parties are exercised. Other policies, such as eviction record sealing and restrictions that preclude property owners from basing tenant eligibility on eviction records, can prevent the longer-term harm that comes from eviction.

Given the incredibly high cost of evictions to renters, landlords, and communities, a wide range of policy interventions would provide significant cost avoidance for state and local government across the US

Conclusion

Renters experiencing financial hardship due to COVID-19 have exhausted their resources and limited funds just as eviction moratoriums and emergency relief across the United States expire. Without intervention, the housing crisis will result in significant harm to renters and property owners. Meaningful, swift, and robust government intervention is critical to preventing the immediate and long-term negative effects of the COVID-19 housing crisis on adults, children, and communities across America.

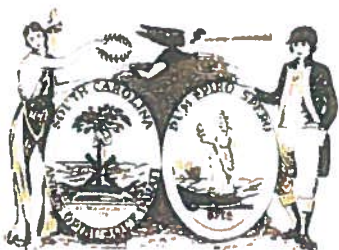
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State of South Carolina

Executive Department



FILED

AUG 10 2020

Mark Hammond
SECRETARY OF STATE

Office of the Governor

EXECUTIVE ORDER NO. 2020-53

WHEREAS, the State of South Carolina has taken, and must continue to take, all necessary and appropriate actions in coping with the significant public health threat and other impacts associated with the 2019 Novel Coronavirus ("COVID-19"), and in doing so, the State must remain flexible to account for evolving conditions and focus on implementing targeted and narrowly tailored emergency measures designed to limit community spread and transmission of COVID-19 and to mitigate the resulting strain on healthcare facilities and resources; and

WHEREAS, in furtherance of the foregoing, the undersigned has, *inter alia*, convened the Public Health Emergency Plan Committee ("PHEPC"), activated the South Carolina Emergency Operations Plan ("Plan"), and regularly conferred with state and federal agencies, officials, and experts, to include the White House Coronavirus Task Force, the South Carolina Department of Health and Environmental Control ("DHEC"), and the South Carolina Emergency Management Division ("EMD"); and

WHEREAS, on March 13, 2020, the undersigned issued Executive Order No. 2020-08, declaring a State of Emergency based on a determination that COVID-19 posed an imminent public health emergency for the State of South Carolina; and

WHEREAS, on March 13, 2020, the President of the United States declared the ongoing COVID-19 outbreak a pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia, pursuant to Section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5207 ("Stafford Act"); and

WHEREAS, on March 13, 2020, the President of the United States also declared that the COVID-19 pandemic in the United States constitutes a national emergency, pursuant to Sections 201 and 301 of the National Emergencies Act, 50 U.S.C. §§ 1601 *et seq.*, and consistent with Section 1135 of the Social Security Act, 42 U.S.C. § 1320b-5, as amended, retroactive to March 1, 2020; and

WHEREAS, in addition to declaring an initial State of Emergency on March 13, 2020, the undersigned has issued various Executive Orders initiating, directing, and modifying further extraordinary measures designed to address the significant public health, economic, and other

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impacts associated with COVID-19 and to mitigate the resulting burdens on healthcare providers, individuals, and businesses in the State of South Carolina, certain provisions of which have been extended by subsequent and distinct emergency declarations set forth in Executive Order Nos. 2020-15, 2020-23, 2020-29, 2020-35, 2020-38, 2020-40, 2020-42, 2020-44, and 2020-48; and

WHEREAS, on March 24, 2020, the undersigned requested that the President of the United States declare that a major disaster exists in the State of South Carolina pursuant to Section 401 of the Stafford Act, and on March 27, 2020, the President of the United States granted the undersigned's request and declared that such a major disaster exists and ordered federal assistance to supplement state, tribal, and local recovery efforts in the areas affected by the COVID-19 pandemic, with an effective date retroactive to January 20, 2020, and continuing; and

WHEREAS, on May 18, 2020, the undersigned approved and signed H. 3411, R-140, Act No. 135 of 2020, as passed by the General Assembly and ratified on May 12, 2020, which expressly acknowledged "the public health emergency associated with the 2019 Novel Coronavirus (COVID-19)" and recognized that "given the extraordinary challenges facing our State, our nation, and the world due to COVID-19, it is necessary to take emergency measures to combat the spread of this deadly virus"; and

WHEREAS, on August 2, 2020, the undersigned issued Executive Order No. 2020-50, initiating additional proactive emergency actions designed to limit community spread and transmission of COVID-19, while also superseding, rescinding, and replacing specific prior Executive Orders and consolidating, restating, or otherwise incorporating, in whole or in part, certain provisions thereof to clarify which emergency measures remain in effect; and

WHEREAS, although the above-referenced and other emergency measures have helped limit and slow the spread of COVID-19, the COVID-19 pandemic represents an ongoing, evolving, and expanding public health threat, which requires that the State of South Carolina continue to take all necessary and appropriate actions in proactively preparing for and promptly responding to the public health emergency and the significant economic impacts and other consequences associated with the same; and

WHEREAS, as of August 10, 2020, DHEC has identified at least 100,431 confirmed cases of COVID-19 in the State of South Carolina, including 1,966 deaths due to COVID-19; and

WHEREAS, over the past several weeks, the State has significantly increased the availability of, and access to, COVID-19 testing, and although the expansion of testing capability and capacity was expected to produce higher daily numbers of confirmed cases of COVID-19, DHEC has continued to report a substantial number of confirmed cases of COVID-19, particularly among the 21-30 age group, as well as a large number of hospital beds utilized or occupied by patients who have either tested positive or are under investigation for COVID-19; and

WHEREAS, as a result of South Carolina's enhanced testing and tracing initiatives, DHEC has also identified additional "hot spots" in certain areas of the State, which warrants the implementation of further targeted outreach efforts to control the spread of COVID-19; and

WHEREAS, due to the continued spread of COVID-19 and the significant number of individuals hospitalized in connection with the same, the State of South Carolina must continue to

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take any and all necessary and appropriate steps to address and minimize the resulting strain on healthcare facilities and resources; and

WHEREAS, section 1-3-420 of the South Carolina Code of Laws, as amended, provides that “[t]he Governor, when in his opinion the facts warrant, shall, by proclamation, declare that, because of . . . a public health emergency . . . a danger exists to the person or property of any citizen and that the peace and tranquility of the State, or any political subdivision thereof, or any particular area of the State designated by him, is threatened, and because thereof an emergency, with reference to such threats and danger, exists”; and

WHEREAS, as the elected Chief Executive of the State, the undersigned is authorized pursuant to section 25-1-440 of the South Carolina Code of Laws, as amended, to “declare a state of emergency for all or part of the State if he finds a disaster or a public health emergency . . . has occurred, or that the threat thereof is imminent and extraordinary measures are considered necessary to cope with the existing or anticipated situation”; and

WHEREAS, in accordance with section 44-4-130 of the South Carolina Code of Laws, as amended, a “public health emergency” exists when there is an “occurrence or imminent risk of a qualifying health condition,” which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”; and

WHEREAS, section 1-3-430 of the South Carolina Code of Laws, as amended, provides that when a state of emergency has been declared, the undersigned “may further, cope with such threats and danger, order and direct any person or group of persons to do any act which would in his opinion prevent or minimize danger to life, limb or property, or prevent a breach of the peace; and he may order any person or group of persons to refrain from doing any act or thing which would, in his opinion, endanger life, limb or property, or cause, or tend to cause, a breach of the peace, or endanger the peace and good order of the State or any section or community thereof, and he shall have full power by use of all appropriate available means to enforce such order or proclamation”; and

WHEREAS, pursuant to section 1-3-460 of the South Carolina Code of Laws, as amended, the foregoing and other emergency authority is “supplemental to and in aid of powers now vested in the Governor under the Constitution, statutory laws[,] and police powers of the State”; and

WHEREAS, in accordance with section 25-1-440 of the South Carolina Code of Laws, as amended, when an emergency has been declared, the undersigned is “responsible for the safety, security, and welfare of the State and is empowered with [certain] additional authority to adequately discharge this responsibility,” to include issuing, amending, and rescinding “emergency proclamations and regulations,” which shall “have the force and effect of law as long as the emergency exists”; and

WHEREAS, pursuant to section 25-1-440 of the South Carolina Code of Laws, when an emergency has been declared, the undersigned is further authorized to “suspend provisions of existing regulations prescribing procedures for conduct of state business if strict compliance with the provisions thereof would in any way prevent, hinder, or delay necessary action in coping with the emergency”; and

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WHEREAS, in addition to the foregoing, section 25-1-440 of the South Carolina Code of Laws authorizes the undersigned, during a declared emergency, to “transfer the direction, personnel, or functions of state departments, agencies, and commissions, or units thereof, for purposes of facilitating or performing emergency services as necessary or desirable,” and to “compel performance by elected and appointed state, county, and municipal officials and employees of the emergency duties and functions assigned them in the State Emergency Plan or by Executive Order”; and

WHEREAS, the undersigned is further authorized, pursuant to section 25-1-440 of the South Carolina Code of Laws, to “direct and compel evacuation of all or part of the populace from any stricken or threatened area if this action is considered necessary for the preservation of life or other emergency mitigation, response, or recovery; to prescribe routes, modes of transportation, and destination in connection with evacuation; and to control ingress and egress at an emergency area, the movement of persons within the area, and the occupancy of premises therein”; and

WHEREAS, in the context of a public health emergency, section 25-1-440 of the South Carolina Code of Laws also “authorizes the deployment and use of any resources and personnel including, but not limited to, local officers and employees qualified as first responders, to which the plans apply and the use or distribution of any supplies, equipment, materials, and facilities assembled, stockpiled, or arranged to be made available pursuant to this act”; and

WHEREAS, in accordance with section 16-7-10(A) of the South Carolina Code of Laws, as amended, “[i]n any area designated by the Governor in his proclamation that a state of emergency exists, and during the duration of the proclamation, it is unlawful for a person to: violate a provision in the proclamation including, but not limited to, any curfew set forth by the proclamation; congregate, unless authorized or in their homes, in groups of three or more and to refuse to disperse upon order of a law enforcement officer; or wilfully fail or refuse to comply with any lawful order or direction of any law enforcement officer”; and

WHEREAS, it is axiomatic that “[t]he health, welfare, and safety of the lives and property of the people are beyond question matters of public concern, and reasonable regulations and laws designed to preserve and protect the same are clearly contained in the police power inherent in the sovereign,” 1980 S.C. Op. Att’y Gen. 142, 1980 WL 81975, at *1 (S.C.A.G. Sept. 5, 1980); and

WHEREAS, the State of South Carolina has made significant progress to date in limiting and controlling the outbreak and continued spread of COVID-19, but the extraordinary circumstances and conditions that necessitated the undersigned’s prior emergency declarations have since evolved and expanded and now present different and additional threats, which must be dealt with on their own terms; and

WHEREAS, consistent with the findings set forth in section 44-4-110 of the South Carolina Code of Laws, as amended, the different and additional public health threats posed by COVID-19, as well as the continued need to, *inter alia*, mitigate the resulting strain on healthcare facilities and resources and deploy widespread testing and tracing initiatives, “require the exercise of extraordinary government functions . . . to respond, rapidly and effectively” to the evolving emergency currently facing the entire State; and

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WHEREAS, for the aforementioned and other reasons, and after consulting with various state and federal agencies, officials, and experts, the undersigned has determined based on the latest data, in accordance with section 44-4-130 of the South Carolina Code of Laws, that the current status and continued community spread and transmission of COVID-19 in the State represents the “occurrence” of a “qualifying health condition”—which includes “an illness or health condition that may be caused by . . . epidemic or pandemic disease, or a novel infectious agent . . . that poses a substantial risk of a significant number of human fatalities [or] widespread illness”—thereby warranting and necessitating the declaration of a unique and distinct public health emergency for the State of South Carolina, which must be dealt with on its own accord; and

WHEREAS, the State of South Carolina must take additional proactive action to control the spread of COVID-19 and mitigate the impacts associated with the same, particularly on healthcare facilities and resources and certain portions of the State’s population; and

WHEREAS, it is imperative that the State of South Carolina continue to utilize extraordinary measures and deploy substantial resources to meet the unprecedented threat posed by COVID-19 and the evolving nature and scope of this public health emergency, and in order to promptly and effectively do so, the State must take any and all necessary and appropriate steps to coordinate additional intergovernmental and interagency resources and response efforts to address the current and anticipated circumstances; and

WHEREAS, in addition to the foregoing, in further proactively preparing for and promptly responding to the continued spread of COVID-19, the State of South Carolina must simultaneously confront the significant economic impacts and other consequences associated with COVID-19, to include stabilizing and reinvigorating the State’s economy by addressing issues related to unemployment, facilitating the safe reopening of businesses and industries, permitting economic flexibility by reducing regulations, and accessing and utilizing federal funds and resources to assist with emergency operations; and

WHEREAS, as part of the ongoing process of facilitating economic recovery and revitalization in a safe, strategic, and incremental manner, the State of South Carolina must also continue to encourage effective “social distancing” practices and implement additional targeted and narrowly tailored emergency measures to combat and control the spread of COVID-19; and

WHEREAS, for the aforementioned and other reasons, and in recognition and furtherance of the undersigned’s responsibility to provide for and ensure the health, safety, security, and welfare of the people of the State of South Carolina, the undersigned has determined—based on recent developments, updated data, new facts, changing conditions, and the previously unforeseen occurrence of a combination of extraordinary circumstances—that an effective response to the ongoing COVID-19 pandemic, including the different, additional, and intensifying threats cited herein, represents and requires a new and distinct emergency, which warrants further proactive action by the State of South Carolina and the implementation and enforcement of additional extraordinary measures to address the same.

NOW, THEREFORE, by virtue of the authority vested in me as Governor of the State of South Carolina and pursuant to the Constitution and Laws of this State and the powers conferred upon me therein, I hereby declare that a State of Emergency exists in South Carolina. Accordingly,

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for the foregoing reasons and in accordance with the cited authorities and other applicable law, I further order and direct as follows:

Section 1. Emergency Measures

To prepare for and respond to the evolving public health threat posed by the COVID-19 pandemic and to mitigate the other significant impacts associated with the same, including the resulting strain on healthcare facilities and resources, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must take additional proactive action and implement further extraordinary measures to prepare for, respond to, and address the ongoing and evolving public health threat posed by the COVID-19 pandemic, to include the continued utilization and coordination of intergovernmental and interagency resources, operations, and response efforts.

B. I hereby memorialize and confirm my prior activation of the Plan and direct that the Plan be further placed into effect and that all prudent preparations be taken at the individual, local, and state levels to proactively prepare for and promptly respond to the COVID-19 pandemic and the significant economic impacts and other consequences associated with the same. I further direct the continued utilization of all available resources of state government as reasonably necessary to address the current State of Emergency.

C. I hereby direct DHEC to utilize and exercise any and all emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, deemed necessary to promptly and effectively address the current public health emergency. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to "use every available means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment."

D. I hereby direct DHEC to restrict visitation to nursing homes and assisted living facilities, with the exception of end-of-life situations, as DHEC deems necessary and appropriate. I further direct DHEC to develop guidelines for nursing homes and assisted living facilities to allow for or facilitate limited visitation for immediate family members and to communicate the same to such facilities.

E. I hereby authorize and direct state correctional institutions and local detention facilities to suspend visitation processes and procedures, as necessary, during this State of Emergency.

F. I hereby place specified units and/or personnel of the South Carolina National Guard on State Active Duty, pursuant to section 25-1-1840 of the South Carolina Code of Laws, as amended, and direct the Adjutant General to issue the requisite supplemental orders as he deems necessary and appropriate. I further order the activation of South Carolina National Guard personnel and the utilization of appropriate equipment at the discretion of the Adjutant General, and in coordination with the Director of EMD, to take necessary and prudent actions to assist the people of this State. I authorize Dual Status Command, as necessary, to allow the Adjutant General

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or his designee to serve as commander over both federal (Title 10) and state forces (National Guard in Title 32 and/or State Active Duty status).

G. I hereby order that all licensing and registration requirements regarding private security personnel or companies who are contracted with South Carolina security companies in protecting property and restoring essential services in South Carolina shall be suspended, and I direct the South Carolina Law Enforcement Division ("SLED") to initiate an emergency registration process for those personnel or companies for a period specified, and in a manner deemed appropriate, by the Chief of SLED.

H. I hereby declare that the prohibitions against price gouging pursuant to section 39-5-145 of the South Carolina Code of Laws, as amended, are in effect and shall remain in effect for the duration of this State of Emergency.

I. I hereby declare that the provisions of Executive Order No. 2020-50 are hereby extended and shall remain in full force and effect for the duration of the State of Emergency declared herein, unless otherwise modified, amended, or rescinded below or by future Order.

Section 2. Protection of First Responders

To ensure the uninterrupted performance and provision of emergency services and to maintain peace and good order during the State of Emergency, while simultaneously implementing proactive measures to safeguard the health and safety of law enforcement authorities and other first responders, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

A. The State of South Carolina must promptly undertake and implement additional proactive measures to safeguard the health and safety of law enforcement authorities and other first responders who risk potential exposure to COVID-19 while providing emergency and other essential services during the State of Emergency.

B. I hereby authorize and direct any and all 911 operators or other emergency dispatchers to ask any individual placing a call for service whether such individual or any member of their household has tested positive for COVID-19 or is exhibiting symptoms consistent with the same.

C. I hereby authorize and instruct DHEC, upon consultation with SLED, to provide any necessary and appropriate additional or supplemental guidance regarding the interpretation, application, or enforcement of this Section.

Section 3. Transportation Waivers

To expedite the State of South Carolina's continued preparation for and response to the ongoing and evolving emergency conditions related to COVID-19 and to facilitate the prompt transportation and delivery of any critical resources, supplies, and personnel identified and deemed necessary in connection with the same, pursuant to the cited authorities and other applicable law, I hereby determine, order, and direct as follows:

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A. I hereby suspend certain rules and regulations, as set forth below, for commercial vehicles and operators of commercial vehicles in accordance with 49 C.F.R. § 390.23 and section 56-5-70 of the South Carolina Code of Laws, as amended.

B. I hereby authorize and direct the South Carolina Department of Transportation ("DOT") and the South Carolina Department of Public Safety ("DPS"), including the State Transport Police, as needed, to waive or suspend application and enforcement of the requisite state and federal rules and regulations pertaining to registration, permitting, length, width, weight, load, and hours of service for commercial vehicles and operators of commercial vehicles operating in accordance with the provisions of the Federal Motor Carrier Safety Administration's July 13, 2020 Extension of the Modified Expanded Emergency Declaration No. 2020-002 Under 49 C.F.R. § 390.25, or any future amendments or supplements thereto; responding to the declared emergency in the State of South Carolina or providing direct assistance to supplement state and local efforts and capabilities to protect public health and safety in connection with COVID-19; or otherwise assisting with the public health threat posed by COVID-19, to include commercial vehicles and operators of commercial vehicles transporting essential goods and products, such as food, water, medicine, medical supplies and equipment, fuels and petroleum products (to include fuel oil, diesel oil, gasoline, kerosene, propane, and liquid petroleum), livestock, poultry, feed for livestock and poultry, and crops and other agricultural products ready to be harvested (to include timber and wood chips). I further authorize and direct DOT and DPS to issue, provide, or promulgate any necessary and appropriate clarification, guidance, rules, regulations, or restrictions regarding the application of this Section.

C. This Section shall not be construed to require or allow an ill or fatigued driver to operate a commercial motor vehicle. In accordance with 49 C.F.R. § 390.23, "a driver who informs the motor carrier that he or she needs immediate rest must be permitted at least ten (10) consecutive hours off duty before the driver is required to return to such terminal or location." Likewise, this Section shall not be construed as an exemption from the applicable controlled substances and alcohol use and testing requirements in 49 C.F.R. § 382, the commercial driver's license requirements in 49 C.F.R. § 383, or the financial responsibility requirements in 49 C.F.R. § 387, and it shall not be interpreted to relieve compliance with any other state or federal statute, rule, order, regulation, restriction, or other legal requirement not specifically waived, suspended, or addressed herein.

D. This Section is subject to any clarification, guidance, rules, regulations, or restrictions issued, provided, or promulgated, or which may be issued, provided, or promulgated, by DOT or DPS, as authorized herein or as otherwise provided by law. Notwithstanding the waiver or suspension of certain rules and regulations as set forth above, drivers in South Carolina are still subject to the following state requirements to ensure public safety:

1. Weight, height, length, and width for any such vehicle on highways or roadways maintained by the State of South Carolina shall not exceed, for continuous travel on all non-interstates, United States, and South Carolina designated routes, maximum dimensions of twelve (12) feet in width, thirteen (13) feet six (6) inches in height, and ninety thousand (90,000) pounds in gross weight.
2. Posted bridges may not be crossed.

3. All vehicles shall be operated in a safe manner, shall not damage the highways nor unduly interfere with highway traffic, shall maintain the required limits of insurance, and shall be clearly identified as a utility vehicle or shall provide appropriate documentation indicating they are responding to the emergency.
4. Any vehicles that exceed the above dimensions, weights, or both, must obtain a permit with defined routes from the South Carolina Department of Transportation Oversized/Overweight Permit Office. To order a permit, please call (803) 737-6769 during normal business hours, 8:30 a.m. – 5:00 p.m., or (803) 206-9566 after normal business hours.
5. Transporters are responsible for ensuring they have oversize signs, markings, flags, and escorts as required by the South Carolina Code of Laws relating to oversized/overweight loads operating on South Carolina roadways.

E. This Section is effective immediately and shall remain in effect for thirty (30) days or the duration of the State of Emergency, whichever is less, in accordance with 49 C.F.R. § 390.23 and section 56-5-70(D) of the South Carolina Code of Laws, except that requirements relating to registration, permitting, length, width, weight, and load are suspended for commercial and utility vehicles travelling on non-interstate routes for up to one hundred twenty (120) days, pursuant to the provisions of section 56-5-70(A) of the South Carolina Code of Laws, unless otherwise modified, amended, or rescinded by subsequent Order.

Section 4. Enforcement

A. I hereby authorize any and all law enforcement officers of the State, or any political subdivision thereof, to do whatever may be deemed necessary to maintain peace and good order during the State of Emergency and to enforce the provisions of this Order and any prior or future Orders issued by the undersigned in connection with the present State of Emergency.

B. Pursuant to section 16-7-10(A) of the South Carolina Code of Laws, any individual who “refuse[s] to disperse upon order of a law enforcement officer,” “wilfully fail[s] or refuse[s] to comply with any lawful order or direction of any law enforcement officer,” or otherwise violates any provision of any Order issued by the undersigned in connection with the State of Emergency “is guilty of a misdemeanor and, upon conviction, must be fined not more than one hundred dollars or imprisoned for not more than thirty days.”

C. In accordance with section 1-3-440(4) of the South Carolina Code of Laws, I further authorize, order, and direct any State, county, or city official to enforce the provisions of this Order and any prior or future Orders issued in connection with the present State of Emergency, as necessary and appropriate, in the courts of the State by injunction, mandamus, or other appropriate legal action.

D. In addition to the foregoing, I further authorize, order, and direct DHEC to exercise and utilize any and all necessary and appropriate emergency powers, as set forth in the Emergency Health Powers Act, codified as amended in Title 44, Chapter 4 of the South Carolina Code of Laws, to implement and enforce the provisions of this Order. In accordance with section 44-4-500 of the South Carolina Code of Laws, as amended, DHEC shall continue to “use every available

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means to prevent the transmission of infectious disease and to ensure that all cases of infectious disease are subject to proper control and treatment.”

Section 5. General Provisions

A. This Order is not intended to create, and does not create, any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the State of South Carolina, its agencies, departments, political subdivisions, or other entities, or any officers, employees, or agents thereof, or any other person.

B. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Order is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this Order, as the undersigned would have issued this Order, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

C. If or to the extent that any political subdivision of this State seeks to adopt or enforce a local ordinance, rule, regulation, or other restriction that conflicts with this Order, this Order shall supersede and preempt any such local ordinance, rule, regulation, or other restriction.

D. This Order is effective immediately and shall remain in effect for a period of fifteen (15) days unless otherwise expressly stated herein or modified, amended, or rescinded by subsequent Order. Further proclamations, orders, and directives deemed necessary to ensure the fullest possible protection of life and property during this State of Emergency shall be issued orally by the undersigned and thereafter reduced to writing and published for dissemination within the succeeding 24-hour period.



GIVEN UNDER MY HAND AND THE
 GREAT SEAL OF THE STATE OF
 SOUTH CAROLINA, THIS 10th DAY OF
 AUGUST, 2020.

A handwritten signature in blue ink, reading "Henry McMaster".

HENRY MCMASTER
 Governor

ATTEST:

A handwritten signature in blue ink, reading "Mark Hammond".

MARK HAMMOND
 Secretary of State